

TOWN OF TRURO
BOARD OF SELECTMEN
MEETING OF TUESDAY, MARCH 13, 2007

The Truro Board of Selectmen met for their open session on Tuesday, March 6, 2007 at 6:30 p.m. following an executive session at 5:30 p.m., both held at the Truro Town Hall, 24 Town Hall Road, Truro. In attendance were: Chairman Alfred Gaechter, Vice-Chairman Gary Palmer, Clerk Christopher R. Lucy, Curtis Hartman, Jan Worthington, Town Administrator Pamela Nolan, Administrative Secretary Julie DuPree, Assistant Town Administrator Charleen Greenhalgh, Martha Nagy, CCNS Supt. George Price, Lauren McKean, Paul Silva, James Meads, Lisa Olson, Chief Thomas, Pat Pajaron, Steve Roderick, Howard Irwin, Bonnie McGhee, Chuck Steinman, Lorial Russell, Helen McNeil-Ashton, Skip Childs, John Garran, Anna Duarte, Dorrine Devlin, Diane Thomas, Tom Roda, Eric Williams of the CC Times, Derek Burritt of the Banner, and Steve Desroche of the Cape Codder.

Mr. Gaechter re-convened the open session at 6:30 p.m.

Minutes: Mr. Palmer moved to approve the minutes of the regular session of March 6, 2007, as presented. Mr. Hartman seconded it. Vote: 5-0, unanimous.

Public Comment: Mr. Meads of LCAA asked why they had not had any response regarding their offer to put a rig in Truro. Mr. Gaechter informed him that the BOFE were on the agenda this evening to address that issue.

Appointment: Chief Thomas requested that the Board promote Officer Kyle Takakjian to Sergeant. This appointment would provide the Department with four Sergeants, and he explained to the Board what the assignments of each would be. **Mr. Gaechter moved to appoint Kyle Takakjian as a Sergeant for the period beginning March 19, 2007 through March 18, 2008. Ms. Worthington seconded it. Vote: 5-0, unanimous.**

Dune Shacks of the Peaked Hill Bars Historic District: Mr. Price thanked the Board for inviting him to discuss this issue. He gave an overview of the history of the dune shacks and the ethnographic study undertaken. The results have proven to be controversial. He has received letters from Provincetown and Truro asking that the Park reconsider their position on TCP (traditional cultural property) designation. He noted that the Park is not going to demolish them, and they are already protected under the National Register as historic. His plan is to re-establish the sub-committee of the CCNSAC on dune shacks with the goal to develop a long-term management plan. His proposal is outlined in his December 15, 2006 letter to Ron Kaufman, Chair of the CCNSAC. Since four of the eighteen shacks are within the boundary of the Town of Truro, a seat on that sub-committee is being offered to person to represent Truro. Rich Delaney has agreed to chair the subcommittee. He feels that this process will take at least two years. Mr. Gaechter said that he supports having a representative on it, but questioned if an advisory committee to an advisory committee would be listened to. Mr. Price assured him that it would be. The issue is with the criteria used in the report, not the report itself. Mr. Gaechter asked if there was a chance the sub-committee could have a consultant. Mr. Price said that they have requested an environmental impact statement, and if that is granted there would be funding for many things. They have paid for several studies already, and many things are already known. Mr. Hartman said that the CCNS General Management Plan Implementation Advisory Committee seems skeptical of the process. Mr. Price said that they don't have to have all

meetings public, some are work sessions, but there is no intent at conspiracy. Mr. Hartman asked if they plan to have open meetings. Mr. Price said he plans to speak to the Chair. Mr. Gaechter moved to advertise for a person to be appointed to a sub-committee of the Advisory Committee to look into issues related to the dune shacks. Mr. Palmer seconded it. Mr. Hartman asked that he add to the motion that meetings be open to the public and posted as to date and time. Mr. Gaechter proposed compromising language using "recommend open meetings", but Mr. Hartman said he would vote against that. Mr. Gaechter thought they should leave latitude for circumstances. Mr. Price explained that because there are so many issues relating to this, he just doesn't know that all meetings will be public. He would have to forecast over a two year time period. Certainly staffing and negotiating issues cannot be public. If personal issues arise, he wants to give the opportunity for a closed meeting. Ms. Worthington said that she welcomed the opportunity for dialogue and Truro should have a voice; it was not the Board's place to put that kind of restriction on it. Mr. Gaechter said that he could see Mr. Hartman's point, and was there language they could use in the motion that is not restrictive. **Mr. Gaechter amended his motion to move that they advertise for a member to be appointed to represent Truro on a sub-committee of the Advisory Committee to look into issues related to the dune shacks and that we communicate to the Chair that Truro strongly recommends that all sessions be public unless counsel for the Park deems it can not be. Mr. Hartman seconded it. Vote: 5-0, unanimous.**

General Bylaw Chapter VI Preserving Historic Properties, revision: Mr. Steinman went over the proposed changes. If it is agreed to go forward with them, they can advertise a Public Hearing for March 31, 2007 at the library. One of the changes was in what makes a building historic. The time was changed from 100 years to 75 years. Discussion centered on the criteria used to determine that a building is historic, and how a potential buyer would know if a building was historic. Mr. Steinman explained that there is a historic housing stock list at the library. Ms. McNeil-Ashton added that the list is used by realtors in marketing a house. Mr. Gaechter was concerned that one board would have so much authority over what is historic. Mr. Palmer questioned the proposed change in the composition of the Review Board. Mr. Gaechter agreed, saying that he felt it should be two members from the Historical Commission and three members at large instead of the other way around. He also felt there should be a way to appeal a decision, perhaps to the Historical Commission or another board, or in consultation with one. Ms. McNeil-Ashton told them that Truro is the only town on the cape with no historic district, so this would be less restrictive than other towns. Mr. Gaechter said he could not recommend the bylaw unless the membership is changed. The Review Board does not recommend combining the Historical Commission with the Review Board. Mr. Palmer felt that if they were going to increase the waiting period from 5 months to a year, there should be more community input, which two boards would give you. The changes in the procedure were discussed, and Mr. Gaechter noted that there was nothing in the process that the applicant comes back before the Review Board to discuss their good faith efforts. Ms. McNeil-Ashton noted that an applicant can come back at any time and are warmly invited to do so. Mr. Steinman said they could make explicit that at any time an applicant can come back. Ms. McNeil-Ashton suggested language in 6-5-7 that applicants are encouraged to meet with the Review Board as many times as needed to come to a satisfactory alternative. The Historic Review Board will meet to discuss these

suggestions before they hold their Public Hearing. Ms. Nolan reminded them that the Warrant must be sent to the publishers by March 30th.

Results of the Dog Hearing: Ms. Russell gave the Board her recommendations resulting from testimony she heard at the Public Hearing held on February 27, 2007 regarding Anna Duarte and her dog. She recommends that:

1. The dog be leashed and under control at all times when outside the residence.
2. Beware of dog signs must be posted on property.
3. Dog must attend obedience training and Animal Control must receive continued updates and any certification from completed training.
4. Outside pen must be constructed of sturdy material and approved of by the Animal Control Officer.
5. Dog must be kept up to date on all shots.
6. Dog must be kept up to date on licensing.
7. If dog and owner are visiting friends in their home, or friend's residence, then dog must be leashed and under control, or crated, depending on the situation.
8. If the conditions are not met and/or the dog bites another person, then we will have to order the dog removed from town or euthanized.

Mr. Gaechter questioned why muzzling was not an option used. Ms. Russell explained that according to the trainer consulted, with the condition this dog has of fear aggression, muzzling makes the dog worse. This can be revisited if things change. Ms. Worthington asked that she add that the dog should not be in public while the training is on-going. Ms. Russell told her that the dog must attend training, which will be on-going. It is private training now, but the dog will be taking group training as well. The dog and owner are doing well; she gets weekly reports from the trainer. Mr. Hartman asked if the owner is ready to take the dog out in public, such as for a walk down the road. Ms. Russell said she is not yet. Ms. Worthington said that she trusts Ms. Russell's judgment on this. Ms. Russell said she can add that the dog is to be just at the residence, or out to go to class. **Mr. Gaechter moved to accept and endorse the recommendations as presented with regard to the situation with Poppy. Mr. Palmer seconded it.** Ms. Duarte told the Board that the dog is in a crate when in the car as recommended by the trainer. She assured the Board that she is not taking the dog anywhere until he can behave in public. His only public outing is a walk down the road to a neighbor's larger yard. **Vote: 5-0, unanimous.**

BOFE: Mr. Garran requested that Mr. Childs read the letter he read to the BOFE at their last meeting. In it, Mr. Childs said that he thinks the BOFE is about to make a decision that will affect this department and the community of Truro forever. He said that they have all seen the demise of the call-volunteer fire department. It has happened to every town on the cape except Truro and Provincetown. As soon as full-time people are brought into the picture, no department has had a successful call force. Eventually everyone will become full-time and an employee of the town. He went on to praise the system that has been used for so many years, with a good call department and a strong mutual aid system. He knew of no time under this system that the needs of the town were not met. He urged the BOFE to consider this and their responsibility to make decisions that are cost effective and fiscally responsible. He said he expects the BOFE to

carefully analyze the needs of the community and form a reasonable plan of action. Mr. Garran told the Board that the BOFE is opposed to accepting the offer of the LCAA to house one of their ambulances and two personnel in Truro's station round the clock because of the fear of a reduction in the morale of the call members. In addition, the BOFE believe that these LCAA personnel would have to be under the direction of the Fire Chief, and the LCAA is reported to be opposed to that. The Fire Chief feels that the solution to the weekday rescue coverage is to hire a full-time firefighter paramedic. But this would be at some expense to the town, and also lead to the demoralizing of the call department. This suggestion was opposed by a 3-1 vote of the BOFE. At the request of Ms. Worthington, Mr. Garran said he polled the membership of the department who are certified as EMTs and he has twelve persons who are willing to fill daytime shifts. The BOFE has expressed a desire to try this method. It has worked very well for the past few years in the summer months, and they would like to try it. If they go to a paid department, then we are looking at one million dollars per year; we may recoup one third of that. Four out of five of the BOFE want to try this. The other member feels it will not work. He doesn't have figures for them yet, but they have the money and the coverage for the summer. He will add a second shift for 7-4, and he wants to start in the next month or so. Money is available until the end of FY07. If this fails, then they will have to go a different way. Mr. Gaechter asked if the safety of people is in question, will you call a halt. Mr. Garran said yes, if serious coverage problems occur. Mr. Gaechter said he thinks this is a great thing to do, to give the current system a chance to work. He added that the BOFE needs to send the LCAA a letter declining their offer. Mr. Palmer asked for assurance that if there are missed calls the BOS will be informed. Mr. Garran said absolutely. Mr. Palmer added that if any of our people miss a call, the BOS should be informed. **Ms. Worthington moved to accept the BOFE recommendation to use our personnel to cover the day time shifts on a trial basis. Mr. Hartman seconded it. Vote: 5-0, unanimous.**

FY08 Budget: Ms. Brazil informed the Board that she has a gross estimate of free cash of \$500k. Hopefully we will be certified in four weeks. All the transfer articles should remain "a sum of money". This leaves an estimated deficit of \$198k. Mr. Gaechter said that they need to find out how to make up this \$198k deficit. He said they should look at all the departments with a higher percentage increase. Ms. Brazil cautioned that approach was not always accurate; increases in small budgets can show a high percentage, where an increase in a larger budget shows up as a small percentage. Mr. Gaechter said they can also look at the Capital Improvement Fund, and they could also take the \$198k from Stabilization. Ms. Brazil said they could do that if they want to; her fear is that once you dip into it, it will become easier to do so, and the town just received a good bond rating that was based in part on our healthy Stabilization Fund. Mr. Gaechter said they could check with the rating firm to see what effect taking that amount from Stabilization might have on our rating. Ms. Nolan said that we are going to have a much smaller percentage in the increase to our health costs, so that will help as well. Ms. Brazil told the Board that the BOS have increased staffing, and eventually we will have staffing, but not the funds to pay for it. To continue on this way, we will have to have an override of considerable size, or we will have to cut staff hours. It is a political decision whether to do small overrides on a regular basis, or whether to wait and have to do a considerable one. Mr. Gaechter said that if they can, it is nice to give people a break from an override. Ms. Brazil agreed that it was. He

went on to say that they would continue to look at budgets on a departmental basis. Ms. Nolan suggested that they could exclude some more capital items. Mr. Palmer and Mr. Gaechter both said they don't think that is good policy.

ATM Warrant:

Article 5: Transfers from free cash: Take out section 2 because they will not be putting any money into stabilization.

Article 10: Funds for Harbor Master position: Ms. Nolan told the Board this has been eliminated; there is no need for it.

Article 11: COA position: Mr. Palmer reported that the COA Board voted 6-0 in favor of a full-time position. The Director would prefer two positions that are each less than full-time. One concern is space. There was considerable discussion at the COA meeting regarding what sort of position is needed, clerical or administrative. Ms. Nolan said she believes that Ms. Grenier needs a clerical position to organize her. No vote was taken.

Article 12: Salary changes, union to no-union position: Ms. Nolan explained that she is in negotiation on this, but there seems to be no problem with the Union. Mr. Morris needs to make this position confidential because of the recording of collective bargaining information. No vote was taken.

Article 13: Expend funds in anticipation of reimbursement from State Highway aid: Mr. Gaechter moved to recommend. Mr. Hartman seconded it. **Vote: 5-0, unanimous.**

Article 14, Section 1: CPC funds, Affordable Housing: Mr. Hartman moved to recommend. Mr. Gaechter seconded it. **Vote: 5-0, unanimous.**

Article 14, Section 2: Historic Preservation: Mr. Hartman moved to recommend. Mr. Lucy seconded it. Ms. Worthington said she was just not comfortable with this and was not going to vote for it. Mr. Hartman defended it, and Mr. Gaechter assured her it was not unusual to fund a non-profit with these funds. **Vote: 4-1, with Ms. Worthington opposed.**

Article 14, Section 3: Community playground: Mr. Hartman moved to recommend. Mr. Lucy seconded it. Ms. Worthington questioned why not work with the school to use the facility in place. Mr. Hartman said that due to liability issues and public safety issues the school will not open the playground to the public during school hours. **Vote: 5-0, unanimous.**

Article 15: COLA: Mr. Gaechter moved to recommend. Mr. Palmer seconded it. **Vote: 5-0, unanimous.**

Article 16: Change road name: Mr. Gaechter moved to recommend. Ms. Worthington seconded it. **Vote: 5-0, unanimous.**

Article 17: Dog program: Mr. Gaechter moved to recommend. Mr. Palmer seconded it. **Vote: 5-0, unanimous.**

Article 18: Affordable Accessory: Mr. Hartman moved to recommend. Mr. Lucy seconded it. **Vote: 5-0, unanimous.**

Article 19: Zoning bylaw, definitions: Mr. Hartman moved to recommend. Mr. Lucy seconded it. **Vote: 5-0, unanimous.**

Article 20: Zoning bylaw, use regulations: Mr. Hartman moved to recommend. Mr. Lucy seconded it. **Vote: 5-0, unanimous.**

Article 21: Tax exemptions for rentals: Mr. Hartman moved to recommend. Mr. Lucy seconded it. **Vote: 5-0, unanimous.**

Resignations: The Board received resignation letters from Mr. Wilson resigning from the Recreation Commission and the CPC, and from Mr. Conlon resigning from the ZBA. **Mr. Gaechter moved to accept both resignations with regret. Mr. Hartman seconded it. Vote: 5-0, unanimous.**

Town Administrator's Report: (action items)

- Reported that tufts University has asked permission to again bait for rabies. **Mr. Gaechter moved to grant permission. Mr. Palmer seconded it. Vote: 5-0, unanimous.**

Selectmen/Liaison Reports: (action items)

Palmer: -Reported that the WROC met. The CCNS will harvest algae in East Harbor if it becomes a problem. WROC is going to draft a letter to legislators for the BOS to review. It will ask that the ACOE portion of the East Harbor project be funded.

Gaechter: -The Energy Committee is reporting that Truro is not an appropriate place for a wind turbine. They will be in to ask the BOS to adjust their Charge.

- Alerted the BOS that as a private citizen, he will be accompanying another citizen to a meeting with Supt. Price regarding a building project within the Park.

Lucy: -Reported his disappointment with the letter received from Supt. Price regarding another building project in the Park. Ms. Worthington felt the BOS needs to discuss this issue at some point; they can't ignore that there are issues in this case. Mr. Palmer suggested having representatives from the CCNS in to discuss this issue. Mr. Gaechter said he preferred to give the Planning Board a chance to establish a liaison with the Park. If this fails, then the BOS could call everyone together. There are other issues with the Park as well.

Hartman: -Reported that Principal Davis would like to come in and give the BOS a report.

Next Agenda: DA's office on Open Meeting Law, continue with Warrant.

At 9:30 p.m. Mr. Gaechter moved to adjourn, with Mr. Hartman seconding it. Vote: 5-0, unanimous.

Alfred Gaechter, Chairman

Gary Palmer, Vice-Chairman

Christopher R. Lucy, Clerk

Curtis Hartman

Janet W. Worthington

Board of Selectmen
Town of Truro

